

## **REMARKS**

### **Amendments**

#### ***Revisions to the Title***

The Examiner stated that the originally submitted title of the invention is non-descriptive, and required a new title. Accordingly, Applicant has revised the title to read: "METHOD AND APPARATUS FOR PREPARING MEDIA DATA FOR TRANSMISSION".

#### ***Revisions to the Specifications***

Applicant has amended the specification to claim priority from Serial No. 60/071,566 filed on January 15, 1998 as set forth on the transmittal. No new matter has been added.

#### ***Amendments to the Claims***

Applicant has amended the claims to clarify the invention. Applicant has cancelled claims 64 and 78-84 without prejudice. Applicant has added claims 85-145. No new matter has been added as a result of these amendments.

## **Rejections**

### ***Obviousness-type Double Patenting***

#### **Claims 57-63 and 65-77**

Claims 57-63 and 65-77 stand rejected as being an obvious variation of claims 1-6 of Jones, et. al. (U.S. Patent No. 6,453,355). Claims 64 and 78-84 are cancelled.

Applicant does not admit that the obviousness-type double patenting rejection is proper. Furthermore, Applicant does not admit that a determination or finding with respect to the validity of the '355 patent would effect the validity of the claims of the present application. Applicant is submitting suitable terminal disclaimers for claims 57-63 and 65-77 herewith and therefore respectfully requests that the statutory double patenting rejection of the claim be withdrawn.

### ***Rejections under 35 U.S.C. § 102(b)***

#### **Claims 57-63 and 65-77**

Claims 57-63 and 65-77 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Aaron E. Walsh (Programming QuickTime). Applicant respectfully submits that Walsh does not disclose each and every element of the invention as claimed in claims 57-63 and 65-77.

Walsh discloses the formatting of media data according to the QuickTime specification on a computer for use on the same computer. However, Walsh contains no disclosure that teaches or suggests retrieving a set of data that indicates how to transmit an associated time related sequence of media data as claimed by Applicant in claims 57-63 and 65-77. Thus, Walsh cannot be properly interpreted as anticipating Applicant's invention as claimed in claims 57-63 and 65-77.

Accordingly, Applicant respectfully submits that the invention claimed in claims 57-63 and 65-77 is not anticipated by Walsh under 35 U.S.C. § 102(b) and respectfully requests the withdrawal of the rejection of the claims.

### **New Claims**

New claims 85-107 have been added to that depend from independent claims 57, 61, 68 and 71. Applicant respectfully submits claims 85-107 are allowable for at least the reasons set forth above for claims 57, 61, 68 and 71.

New claims 108-145 have been added. Applicant respectfully submits claims 108-145 are in condition for allowance over Walsh. In claims 108-145, Applicant claims retrieving a set of data used to indicate how to packetize media data for transmission according to defined packetizing characteristics. However, Walsh contains no disclosure that teaches or suggests retrieving a set of data used to indicate how to packetize media data. Therefore, Walsh cannot be properly interpreted as anticipating Applicant's invention as claimed in claims 108-145.

### **SUMMARY**

Claims 57-63, 65-77 and 85-145 are currently pending. In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

**Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: May 25, 2007



Eric S. Replogle  
Agent for Applicant  
Registration No. 52,161

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300